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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

PAUL EDWARD DAVIS,

Defendant.

Case No. 2:13-cr-00301-APG-CWH

**ORDER DENYING MOTION TO
REOPEN DETENTION HEARING**

On May 6, 2014, defendant Paul Edward Davis filed a motion [Dkt. #108] to reopen his detention hearing. The Government opposes the motion. (Dkt. #118.)

On July 31, 2013, Magistrate Judge C. W. Hoffman, Jr. entered an Order of Detention as to Mr. Davis. (Dkt. #6.) On September 25, 2013, Mr. Davis personally filed a motion to re-hear that determination. (Dkt. #35.) Judge Hoffman denied that motion because it was not filed by counsel. (Dkt. #37.) On November 12, 2013, Mr. Davis's then counsel filed a motion to reconsider the detention order. (Dkt. #42.) The Government opposed that motion, and on November 25, 2013 Judge Hoffman denied the motion. (Dkt. #46.) Mr. Davis has switched counsel more than once since then, and his present counsel filed the instant motion.

A defendant ordered detained by a magistrate judge may file a motion for revocation or amendment of the order. 18 U.S.C. § 3145(b). The district judge reviews a magistrate judge's detention order de novo. *United States v. Koenig*, 912 F.2d 1190, 1192-93 (9th Cir. 1990). "The district court is not required to start over in every case, and proceed as if the magistrate's decision and findings did not exist." *Id.* at 1193. Instead, "[i]t should review the evidence before the magistrate and make its own independent determination whether the magistrate's findings are correct, with no deference." *Id.*

I have conducted an independent, de novo review of Judge Hoffman's Order denying Mr. Davis's motion to reconsider his earlier detention order. (Dkt. #46.) I also have reviewed Judge

1 Hoffman's initial Detention Order Pending Trial (Dkt. #6) and the parties' respective briefs. I
2 find that Judge Hoffman's findings and conclusions are correct. Moreover, Mr. Davis has not
3 presented any new information that was not known to him at the time of the detention hearing, let
4 alone new information that has a material bearing on the issue of whether there are conditions of
5 release that will reasonably assure his appearance and the safety of the community. 18 U.S.C. §
6 3142(f). To the contrary, Mr. Davis's subsequent actions in connection with this litigation
7 (particularly related to his interactions with his attorneys and the court), as detailed in the
8 Government's opposition to the motion (Dkt. #118 at 5:1-12), confirm the need to keep him
9 detained. Thus, there is no basis to reopen the detention hearing.

10 Accordingly, IT IS HEREBY ORDERED that Defendant's Motion to Reopen Detention
11 Hearing (Dkt. #108) is DENIED.

12 Dated: June 12, 2014.



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14 ANDREW P. GORDON
15 UNITED STATES DISTRICT JUDGE
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